



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/587,768

03/08/2007

Erkki I. Aaltone

4208-4324

9876

85775 7590 09/08/2009

Locke Lord Bissell & Liddell LLP

Attn: IP Docketing

Three World Financial Center

New York, NY 10281-2101

EXAMINER

PHAM, TIMOTHY X

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

09/08/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptopatentcommunication@lockelord.com

Office Action Summary	Application No. 10/587,768	Applicant(s) AALTONE ET AL.	
	Examiner TIMOTHY PHAM	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2-22 are objected to because of the following informalities: the term “Apparatus according” (line 1) should be replaced with –The apparatus according--. Appropriate correction is required.

Claim 23 is objected to because of the following informalities: the dependency of the claim is incorrect; note that claim 23 is directed to a method, which currently depends from claim 1, an apparatus claim. Amending the term “A method” with “An apparatus” would overcome the rejection and would be consistent with claim terminology.

Claim 12 is objected to because of the following informalities: the term “that one is larger than the or each other” should be replaced with – that one is larger than the other --. Appropriate correction is required.

Claim 13 is objected to because of the following informalities: the term “the larger tile displays an image of higher quality than the or each other” should be replaced with – the larger tile displays an image of higher quality than the other --. Appropriate correction is required.

Claim 15 is objected to because of the following informalities: the term “overlaps the or each other one thereof” should be replaced with – overlaps the one each other one thereof --. Appropriate correction is required.

Claim 16 is objected to because of the following informalities: the term “the tiles abut one another” should be replaced with – the tiles about one another --. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: the term "PIP" is an acronym which can mean different things and/or change in meaning over time; hence, it would be desirable to write out the actual words to which the acronym refers.

Claim 19 is objected to because of the following informalities: the term "DVB" is an acronym which can mean different things and/or change in meaning over time; hence, it would be desirable to write out the actual words to which the acronym refers.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 24, the term "A computer program to be run on a processor in mobile telecommunications apparatus comprising a transceiver for wireless communication" is unclear. Specifically, it is not clear what is meant by the term "comprising a transceiver". How can a program comprise a transceiver? Moreover, the term "a display device with a display area operable to provide a display corresponding to content for at least one of the services" is unclear. Specifically, how can a computer program contain hardware such as a display device? Amending the claim would overcome the rejection and would be consistent with claim terminology.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 8-9, 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniel (UK Patent Application GB 2373680; cited in IDS).

Regarding claims 1 and 25, Daniel discloses mobile telecommunications apparatus and a user interface comprising a transceiver for wireless communication with a telecommunications network (page 1, lines 26-27; notes that a mobile telephone can send and receive data; therefore inherency a transceiver), rendering means operable to render concurrently data content corresponding to a plurality of services (page 6, lines 20-30, e.g., a music broadcast service, an entertainment service broadcast, a news broadcast, a broadcast giving horoscope details and a broadcast giving book reviews; therefore, a plurality of services), and a receiver to receive at least one of the services when broadcast thereto to be rendered (page 6, lines 20-30), the rendering means including a display device (Fig. 2, reference 13; page 5, lines 19-20, e.g., the mobile telephone handset 10 has a screen 13 upon which will appear at least some received data in the form of text or graphics) with a display area operable to provide a visual display corresponding to the content of at least one of the services (page 5, lines 19-20; page 7, lines 9-10; page 8, lines 14-15), wherein the display device is operable in a first mode in which content corresponding to one of the services is displayed for normal viewing, and a second mode in which content corresponding to more than one of the services is displayed (Abstract; page 1,

Art Unit: 2617

lines 25-32; page 2, lines 4-13, 15-35; page 4, lines 4-12; page 5, lines 10-35; e.g., a first operating mode in which the mobile telephone can send and receive data transmitted digitally with at least some received data being displayed on screen of the mobile telephone and which has a second operating mode in which the mobile telephone can be used to send and receive voice messages).

Regarding claim 2, Daniel discloses the apparatus according to claim 1 including a user interface operable to allow a selection to be made from the services displayed in the second mode for normal viewing in the first mode (page 3, lines 32-34; page 6, lines 27-30, page 8; lines 9-16, e.g., when the mobile telephone handset 10 to operated in the first operating mode, a server 20 will not only send to the handset 10 an instruction to dial a particular telephone number and therefore receive the selected broadcast service, but the mobile telephone handset 10 is also instructed to display certain text messages).

Regarding claim 3, Daniel discloses the apparatus according to claim 1, wherein the display device is operable in the second mode to display the data content corresponding to one of the services with a higher quality than another (page 18, lines 9-11, e.g., highlight the displayed first text message and then select the function associated therewith).

Regarding claim 4, Daniel discloses the apparatus according to claim 3, wherein said high quality display of the content one of the services comprises a video display and the display of the content for the other service comprises a still image or a succession thereof (page 5, lines 10-25).

Regarding claim 8, Daniel discloses the apparatus according to claim 1, including user operable interface (Daniel: page 6, lines 29-30, e.g., keypad) to select the number of services that are to have their content displayed in the second mode (page 6, lines 20-30).

Regarding claim 9, Daniel discloses the apparatus according to claim 1, including user operable interface to select which services are to have their content displayed in the second mode (page 6, lines 20-30; page 8, lines 2-7).

Regarding claim 22, Daniel discloses the apparatus according to claim 1, comprising a mobile telecommunications handset (Fig. 2; page 5, line 3, e.g., a mobile telephone handset).

Regarding claim 23 is draw to a method and this method is rejected with the same set forth to claim 1, an apparatus.

Claim 24 is drawn to a computer program to be run on a processor in mobile telecommunications apparatus comprising code means for generating steps of method claim 1. Therefore, the same rationale applied to claim 1 applies. In addition, Daniel inherently discloses a computer program product, i.e., given that Daniel discloses a process, the process would be implemented by a processor that requires a computer program product, e.g., a RAM, to function.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2617

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel in view of Lipsanen et al. (hereinafter "Lipsanen"; US 2005/0043020; same as WO 03045064 in IDS).

Regarding claim 5, Daniel discloses the apparatus according to claim 3, wherein the display device is operable in the second mode to display different ones of the displayed services in said high quality (page 6, lines 20-30).

Daniel fails to specifically disclose in high quality.

However, Lipsanen discloses delivering high quality audio associated with the broadcast content (paragraph [0003]; Claim 31).

Therefore, taking the teachings of Daniel in combination of Lipsanen as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to the displayed services in high quality in order to provide better services in digital broadcast networks.

Regarding claim 6, Daniel in combination of Lipsanen discloses the apparatus according to claim 5, wherein the display device is operable different ones of the displayed services (Daniel: page 6, lines 20-30, e.g., the range of different broadcasts to select) in high quality, successively (Lipsanen: paragraph [0003]; Claim 31).

Therefore, taking the teachings of Daniel in combination of Lipsanen as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to the displayed services in high quality in order to provide better services in digital broadcast networks.

Art Unit: 2617

Regarding claim 7, Daniel in combination of Lipsanen discloses the apparatus according to claim 5, including a user interface (Daniel: page 6, lines 29-30, e.g., keypad) operable to select which service is to be displayed (Daniel: page 6, lines 20-30, e.g., the range of different broadcasts to select) in high quality (Lipsanen: paragraph [0003]; Claim 31).

Therefore, taking the teachings of Daniel in combination of Lipsanen as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to the displayed services in high quality in order to provide better services in digital broadcast networks.

8. Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel in view of Sull et al. (hereinafter “Sull”; US 2004/0128317).

Regarding claim 10, Daniel discloses the apparatus according to claim 1, wherein the display device is operable in the second mode to display the content of the services (page 6, lines 20-30).

Daniel fails to specifically disclose in a mosaic of image tiles corresponding to the content of the services.

However, Sull discloses a picture-in-picture capability and the thumbnail images as a set of index tiles on the display screen (paragraphs [0020], [0152], [0158]).

Therefore, taking the teachings of Daniel in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant

Art Unit: 2617

to have a mosaic of image tiles corresponding to the content of the services in order to provide better services in digital broadcast networks.

Regarding claim 11, Daniel discloses the apparatus according to claim 1, fails to specifically disclose wherein the image tiles are of equal size.

However, Sull discloses wherein the image tiles are of equal size (paragraphs [0020], [0063], [0137]).

Therefore, taking the teachings of Daniel in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the image tiles are of equal size in order to provide better services in digital broadcast networks.

Regarding claim 12, Daniel discloses the apparatus according to claim 1, fails to specifically disclose wherein the image tiles are configured so that one is larger than the other.

However, Sull discloses wherein the image tiles are configured so that one is larger than the other (paragraphs [0020], [0063], [0137], noted the thumbnail image size).

Therefore, taking the teachings of Daniel in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the image tiles are configured so that one is larger than the other in order to provide better services in digital broadcast networks.

Regarding claim 13, Daniel in combination with Sull discloses the apparatus according to claim 12, wherein the larger tile displays an image of higher quality than the other (Sull: paragraphs [0245]-[0246], e.g., provided such that the images are more easily recognizable).

Therefore, taking the teachings of Daniel in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the larger tile displays an image of higher quality than the other in order to provide better services in digital broadcast networks.

Regarding claim 14, Daniel in combination with Sull discloses the apparatus according to claim 10, including a user interface for changing the size and/or location of a selected one of the tiles (Sull: paragraphs [0020], [0152], [0158], e.g., this features typically employ reduce-size versions of video frames, which are displayed in one or more small areas of a display screen).

Therefore, taking the teachings of Daniel in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have a user interface for changing the size and/or location of a selected one of the tiles in order to provide better services in digital broadcast networks.

Regarding claim 15, Daniel in combination with Sull discloses the apparatus according to claim 10, wherein at least one of the tiles overlaps the one each other one thereof (Sull: paragraphs [0020], [0152], [0158]).

Therefore, taking the teachings of Daniel in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have at least one of the tiles overlaps the one each other one thereof in order to provide better services in digital broadcast networks.

Regarding claim 16, Daniel in combination with Sull discloses the apparatus according to claim 10, wherein the tiles about one another (Sull: paragraphs [0020], [0152], [0158]).

Therefore, taking the teachings of Daniel in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the tiles about one another in order to provide better services in digital broadcast networks.

Regarding claim 17, Daniel discloses the apparatus according to claim 1, fails to specifically disclose wherein the display device is operable in the second mode to display the services in a PIP display wherein a first image corresponding to a first one of the services is displayed in a first area within a second area that displays content corresponding to a second one of the services, the first area being smaller than the second area.

However, Sull discloses the display device is operable in the second mode to display the services in a PIP display wherein a first image corresponding to a first one of the services is displayed in a first area within a second area that displays content corresponding to a second one of the services, the first area being smaller than the second area (paragraphs [0020], [0063], [0137]).

Therefore, taking the teachings of Daniel in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the display device is operable in the second mode to display the services in a PIP display wherein a first image corresponding to a first one of the services is displayed in a first area within a second area that displays content corresponding to a second one of the services, the first area being smaller than the second area in order to provide better services in digital broadcast networks.

Regarding claim 18, Daniel in combination with Sull discloses the apparatus according to claim 17, including a user interface operable to switch the content for the first one of the services displayed in the first area to be switched to the second area and simultaneously for the content for the second one of the services displayed in the second area to be switched to the first area (Daniel: page 11, lines 16-26, e.g., switching from the first operating mode to the second operating mode).

Regarding claim 19, Daniel discloses the apparatus according to claim 1, fails to specifically disclose wherein the receiver is operable to receive DVB broadcasts corresponding to a plurality of the services.

However, Sull discloses the receiver is operable to receive DVB broadcasts corresponding to a plurality of the services (paragraph [0029], e.g., Digital Video Broadcasting).

Therefore, taking the teachings of Daniel in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the receiver is operable to receive DVB broadcasts corresponding to a plurality of the services in order to provide better services in digital broadcast networks

Regarding claim 20, Daniel discloses the apparatus according to claim 1, fails to specifically disclose including a recorder to record video content for replay to provide the content of one of said displayed services.

However, Sull discloses a recorder to record video content for replay to provide the content of one of said displayed services (paragraphs [0019], [0150], e.g., a digital video recorder (DVR)).

Therefore, taking the teachings of Daniel in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have a recorder to record video content for replay to provide the content of one of said displayed services in order to provide better services in digital broadcast networks

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel in view of Lindqvist et al. (hereinafter "Lindqvist"; US 2003/0088778).

Regarding claim 21, Daniel discloses the apparatus according to claim 1 above, fails to specifically disclose including means to receive a detachable memory storing data corresponding to at least one of the services.

However, Lindqvist discloses a compact flash or MMC (multimedia card) that could be removable and storing data corresponding to at least one of the services (paragraph [0113]).

Therefore, taking the teachings of Daniel in combination of Lindqvist as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have means to receive a detachable memory storing data corresponding to at least one of the services for advantages of recording data for later use.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY PHAM whose telephone number is (571)270-7115. The examiner can normally be reached on Monday-Friday; 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Timothy Pham/
Examiner, Art Unit 2617

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit
2617